

1082

1
2 frankly, I already told you I thought you
3 were intelligent and I'm not going to spend
4 a lot of time on what should be obvious
5 anyway.

6 Then we have got the Saturday morning
7 and the third defense, if we count them
8 up, the Saturday night surprise. Let's
9 be 100, 100 percent clear as to what
10 Dr. Mitchell said. He said, "It is possible,"
11 repeat, possible, "that the victim was killed
12 on either Friday night or Saturday night,
13 based solely upon my initial external examination
14 of the body of Valerie Hill." I don't think
15 it could be any clearer that that is
16 what he said. And as he told the grand
17 jury, rigor mortis, the stiffening of the
18 body after death, normally begins to pass off
19 within 24 to 48 hours.

20 If we were looking at a calendar,
21 this would put the normal time of death or the
22 normal median time of death sometime Saturday
23 afternoon. Could it have been 16, 17, 18 hours
24 earlier? Absolutely. Absolutely.

25 Heating conditions refer, first of all,

1083

1
2 to 75 degrees. It wasn't the temperature
3 of the house. The temperature of the house
4 was 62 degrees. Valerie Hill kept the heat
5 down, as we now know. That's why she had
6 plastic on the front door. Basement
7 underneath her, cold floor. And the nights,
8 as you might expect, in March of 1987 were
9 cold as well.

10 He had a chance to review autopsy
11 sectional slides of the brain. He considered
12 the temperature factors. And most importantly,
13 when he tells you what an autopsy is, it
14 is not just medical stuff on a slab in the
15 morgue. It is a constellation of all the
16 other circumstantial factors that lead him
17 into an opinion as to what is most likely
18 the time of death. Friday night.

19 Please, please, if someone in the
20 jury room says, geez, I have a reasonable
21 doubt, Dr. Mitchell says she could have
22 died Saturday, don't look for a conviction,
23 in any case, where the body isn't found
24 within 24 hours, because you're playing
25 right into this defendant's scheme. Because

1084

1
2 Dr. Mitchell is going to say the same thing
3 in any case he ever testifies to, because --
4 well, because I think that's what he'll
5 do. Namely, that "I am not Jack Klugman.
6 I cannot tell you she died at 6:30 on Tuesday,
7 the 4th of July." That's not the way it
8 works in the real world.

9 He wants you to think, Hector Rivas
10 wants you to think that she died Saturday
11 night because even though he hasn't really
12 presented an alibi for that night either,
13 he has presented some witnesses that have
14 been with him. And he's just, he's just
15 Mr. Social Butterfly on Saturday night.
16 He rushes up to Liz Lewis, gives her a big
17 hug. Ed Marion remembers him dancing up
18 a storm.

19 And the library book. You know, when
20 I took this case six months ago and began
21 to look into it, I said, you know, the library
22 book, it's going to be important. I'm going
23 to look for a jury that knows not to be
24 fooled by a defendant. The cunning of it
25 all, the library book. And the beautiful irony